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December 15, 2011

Jeff S. Jordan  
Supervisory Attorney  
Complaint Examination & Legal Administration  
Federal Election Commission  
Washington, D.C. 20463

Re: Gary Husk  
MUR 6465

Dear Mr. Jordan:

Please be advised that I represent Mr. Husk in the above-referenced matter. As such, we are in receipt of your letter dated December 5, 2011 relating to an investigation conducted by the Federal Election Commission into activities by persons affiliated with the Fiesta Bowl. Specifically, your correspondence alleges that Mr. Husk "may have knowingly helped or assisted in making contributions in the name of another" in violation of 2 U.S.C. Section 441 and 11 C.F.R. 110.4(b)(1)(iii). Mr. Husk adamantly denies the allegation, of which there are no facts to support, and submits the following information in support of his position. Accordingly, no action should be taken against Mr. Husk in this matter.

Background Information

As the FEC examines the issues related to federal campaign contributions made by individuals affiliated with the Fiesta Bowl, it is important that this body be familiar with Gary

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Husk. Mr. Husk is the President of one of Arizona's premier public affairs firms, Husk Partners, Inc. and a licensed attorney in the State of Arizona. He is a fifth generation Arizonan who hold a Bachelor of Science Degree from Arizona State University (1979) and Juris Doctor Degree from the Arizona State College of Law (1982).

Before creating Husk Partners, Mr. Husk had a distinguished career in law enforcement serving as a Deputy Pinal County Attorney in Florence, Arizona where he prosecuted felony offenses (1982-1986) and was recognized as the Pinal County Prosecutor of the Year. He also served as an Assistant United States Attorney in the District of Arizona, Phoenix Office where he prosecuted narcotics offenses and violent felonies committed on Indian reservations (1986 -1990) where he received numerous commendations from the U.S. Attorney General, U.S. Department of Justice and U.S. Customs Service for his investigations and prosecutions of sex crimes perpetrated on children and the exploitation of children. Mr. Husk also served as Chief Counsel for Drug Enforcement for the Arizona Attorney General's Office (1990-1994) where he was responsible for the criminal prosecution of narcotics offenses, money laundering and civil asset forfeitures. During this time, he was recognized for his outstanding work and leadership in the representation of victims of crime.

In 1994, Mr. Husk was appointed the Director of the Arizona Department of Gaming where he was responsible for establishing a regulatory agency that monitored Indian gaming in the State of Arizona. This appointment required confirmation from the Arizona Senate. Mr. Husk was nationally recognized for his leadership in the Indian gaming industry and continues to consult and practice law in this area. He resigned as Director in 1998 and accepted a position as a consultant with the public affairs firm of Jamieson & Gutierrez. Mr.

Husk subsequently was promoted to President of the firm, purchased the firm and renamed the firm Husk Partners.

The foregoing information is provided in order to demonstrate that Mr. Husk has dedicated approximately 20 years of his legal career to public service as a prosecutor and regulator. Throughout his career he has demonstrated both knowledge and respect for the rule of law that comes from enforcing the same. Prior to the unfortunate allegations raised in the Fiesta Bowl investigation, Mr. Husk enjoyed an outstanding reputation and his integrity had never been challenged. In his 30 year career as an attorney, he never received a single bar complaint despite aggressively prosecuting numerous high profile criminal prosecutions in numerous jurisdictions.

Representation of the Fiesta Bowl

Initially, the Fiesta Bowl retained the firm of Jamieson & Gutierrez and another lobbying firm to represent its interests approximately 10 years ago. The firm was composed of as many as 7 consultants who provided a multitude of services for its clientele, including the Fiesta Bowl. Mr. Husk was the lead consultant assigned to the Fiesta Bowl.

In the early days of this representation, the Fiesta Bowl management and Board of Directors expressed an interest in becoming more politically active to protect and advance their interests. Mr. Husk specifically explained to Fiesta Bowl representatives, and others, that any political involvement could only occur with individuals since corporate political contributions were prohibited and, as a non-profit, the organization's political activities were restricted. In fact, the various consultants involved in this representation provided written details to the Fiesta Bowl management regarding the standard rules for political contributions. Those rules included the maximum amount of individual contribution and the prohibition

against corporate contribution. It was the Mr. Husk's understanding that the Fiesta Bowl management and Board of Directors also sought legal advice on this issue from their general counsel.

*1. Husk an Independent Consultant*

At all times during this representation, Mr. Husk and his firm functioned exclusively as an independent outside consultant performing a variety of services that included lobbying, issues management, media relations and government relations. Mr. Husk and the firm also assisted the Fiesta Bowl in developing strategic partnerships with the business community to create sponsorship opportunities.

As is normally the case with an independent consultant, Mr. Husk had no access to the internal operations, controls and finances of the Fiesta Bowl. Similarly, Mr. Husk did not exercise any authority or control over Fiesta Bowl employees, management or board members.

*2. Solicitation of Political Contributions*

Individuals affiliated with the Fiesta Bowl made contributions to various federal political candidates. According to the complaint submitted to the FEC, these candidates included Senator John McCain, Senator Jon Kyl, Congressman John Shadegg and Congressman J.D. Hayworth. Mr. Husk has a general recollection of soliciting political contributions for McCain, Kyl and Shadegg. He did not, however, solicit any political contributions or participate in any fundraising activities for Hayworth.

Generally, Mr. Husk recalls receiving written campaign fundraiser solicitations for contributions from the campaigns of McCain, Kyl and Shadegg. As is standard practice, each of these solicitations identified the candidate, the name of the campaign, the maximum

amount of the contribution and the prohibition against corporate contributions. As a routine matter, Mr. Husk would share these solicitations with representatives of various clients, including the Fiesta Bowl.

***3. Junker the Sole Point of Contact for Political Contributions***

It is important to note that with each of the foregoing candidates, Mr. Husk forwarded the information to John Junker exclusively. As a consequence, Mr. Husk did not provide any information directly to other Fiesta Bowl employees or board members. While Mr. Husk may have had some general knowledge that employees and board members made political contributions to McCain, Kyl or Shadegg, he was not directly involved in such solicitations and had no knowledge of how or by whom such solicitations were made. Obviously, there is nothing illegal or inappropriate about his practice of forwarding solicitations for individual political contributions to Mr. Junker for his consideration.

***4. Federal Campaign Solicitation Disclosures***

As previously noted, it was Mr. Husk's practice to forward campaign solicitation information to his clients, including the Fiesta Bowl. It was important to note that all of the solicitations from the foregoing candidates always clearly stated: (1) the name of the candidate's campaign to which the check should be issued, (2) the maximum individual contribution and (3) the standard prohibition against corporate contributions.

***5. No Knowledge of Method of Solicitation or Specific Contributors***

At no time does Mr. Husk recall ever contacting, directly or indirectly, any other person affiliated with the Fiesta Bowl regarding political contributions. Mr. Husk had absolutely no knowledge of whether Mr. Junker, or anyone else, solicited contributions for federal candidates from other individuals or the identity of those persons who may have been

solicited for contributions or those persons who actually made political contributions.

Further, Mr. Husk never researched FEC reports to determine who may or may not have made political contributions. In addition, Mr. Husk did not personally deliver political contributions from persons associated with the Fiesta Bowl directly to the campaigns of McCain, Kyl or Shadegg.

***6. Not Present for Solicitations for Political Contributions***

Not only did Mr. Husk never directly solicit political contributions for federal candidates from persons, other than Mr. Junker, affiliated with the Fiesta Bowl, he was never present when anyone else solicited political contributions for federal candidates from persons affiliated with the Fiesta Bowl. None of the persons who made political contributions to federal candidates have alleged that Mr. Husk was present during their solicitations. In fact, all of the contributors stated that they were directly solicited by the Chief Operating Officer, Natalie Wisneski.

***7. Never Advised Informed Contributors of Reimbursements.***

Similarly, Mr. Husk never advised anyone affiliated with the Fiesta Bowl that he/she would be reimbursed for political contributions. Nor was Mr. Husk present when anyone from the Fiesta Bowl stated that a contributor to federal candidates would be reimbursed for his/her political contribution. No contributors have alleged that Mr. Husk was even present for these discussions.

***8. Husk Never Received Reimbursements for Contributions***

Although Mr. Husk personally made political contributions to McCain, Kyl and Shadegg, there is absolutely no allegation, or facts to support an allegation, that Mr. Husk was reimbursed by the Fiesta Bowl for his political contributions. Hence, Mr. Husk did not

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receive any personal benefit from the reimbursement practice that is alleged to have occurred with the Fiesta Bowl. One would assume that if Mr. Husk had knowledge of the reimbursement of political contributions by the Fiesta Bowl, he too would have been the recipient of these reimbursements. Notably, nobody affiliated with the Fiesta Bowl has alleged that Mr. Husk received reimbursements for his contributions to McCain, Kyl and Shadegg. That is so because it did not happen.

*9. No Knowledge of Reimbursement of Political Contributions*

Although Mr. Husk admits soliciting individual political contributions through Mr. Junker, he is no way participated in a scheme, and there are not facts to suggest otherwise, to reimburse individuals for their contributions with corporate funds. Mr. Husk had absolutely no knowledge that the Fiesta Bowl was engaged in the practice of reimbursing individuals for their political contributions. He had no access to the Fiesta Bowl's finances and had absolutely no authority over Fiesta Bowl operations and management. Inasmuch as the members of the Board of Directors who were tasked with the fiduciary oversight of the Fiesta Bowl's operations had no knowledge of this activity, it is absurd to suggest that Mr. Husk, an independent contractor, would have such knowledge of internal operations.

*10. Denial of Political Contribution Reimbursements*

As previously noted, Mr. Husk had no knowledge of and was never informed that the Fiesta Bowl engaged in the practice of reimbursing contributors for political contributions. In addition, however, all of the persons affiliated with the Fiesta Bowl with whom Mr. Husk had contact with this issue adamantly denied that this practice had ever occurred. These same denials were made to members of the media, members of the Board of Directors and various individuals conducting independent inquiries into this matter. Like the Board of Directors,

Mr. Husk had no knowledge that persons affiliated with the Fiesta Bowl had made false statements, concealed or misrepresented this information for more than a decade. It is significant that Ms. Wisneski directly participated in this scheme and yet repeatedly denied the activity to multiple persons, including Mr. Husk, until her recent admissions. Obviously, Mr. Husk and others to whom Ms. Wisneski denied the reimbursement practices, assumed she was being truthful.

Special Investigation Report

*1. Wisneski False Allegations regarding Husk Authorization*

The only allegations contained in the report that suggest Mr. Husk "may have knowingly helped or assisted in making contributions in the name of another" are made by Ms. Wisneski. Specifically, she claims that Mr. Husk was consulted in approximately 2005 regarding the practice of reimbursing employees during a speakerphone conversation involving her, Mr. Husk and Mr. Junker. According to Ms. Wisneski, Mr. Husk stated the practice was acceptable and that "everybody does it". Mr. Husk has consistently maintained: (1) that he never made such a statement; (2) that he routinely advised clients against such a practice; and (3) that he had no knowledge of or authorized the reimbursement of political contributions.

Frankly, Ms. Wisneski's allegation that Mr. Husk authorized a blatantly illegal practice during a telephone conversation over a speakerphone is absolutely absurd. Mr. Husk is regularly involved in fundraising activities and the restriction on corporate contributions is elementary and denoted on every political fundraiser solicitation. Thus, Mr. Husk's alleged approval of the reimbursements would defy all of the information that he and others previously provided on a regular basis to representatives of the Fiesta Bowl regarding political



Ms. Wisneski subsequently attempted to cover-up her illegal activities by directly, and with the assistance of her staff, concealing information and altering financial records related to the reimbursement of political contributions. These activities continued even after the first inquiry into this matter by former Arizona Attorney General Grant Woods. Ms. Wisneski also attempted to blame Mr. Husk for her action by asserting that he had directed that certain documents relating to state candidates be altered or destroyed. Mr. Husk subsequently provided information to investigators that proved that the documents Ms. Wisneski alleged had been destroyed were, in fact, preserved and provided to investigators by Mr. Husk. Further, Mr. Husk has established that he did not have knowledge or access to the financial records that Ms. Wisneski claims he directed her to alter. Therefore, Ms. Wisneski again made false statements in this investigation.

Finally, it should be noted that Ms. Wisneski was recently indicted by a federal grand jury on a total of 9 counts of conspiracy and false statements. The counts relate to Ms. Wisneski's conduct in filing false documents with the Internal Revenue Service regarding the Fiesta Bowl's political activities. Clearly, Ms. Wisneski has a history of dishonesty that has completely destroyed her credibility. Therefore, it would be entirely inappropriate to conclude that Mr. Husk was involved in the reimbursement of campaign contributions scheme based on statements by Ms. Wisneski.

#### Conclusion

Mr. Husk vehemently denies that he provided "help or assistance in making contributions in the name of another". While Mr. Husk did, in fact, solicit political contributions for certain federal candidates, he had no knowledge of any scheme to reimburse contributors and certainly did not participate in such a scheme. I would submit that there is

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simply no credible evidence to suggest that Mr. Husk, as an independent consultant, had knowledge of, authority over or access to the internal financial operations of the Fiesta Bowl. In addition, Mr. Husk consistently advised and provided the Fiesta Bowl with specific information regarding the maximum amount and prohibition of corporate contributions. Finally, it is illogical that Mr. Husk would ignore fundamental campaign laws and deliberately damage his professional reputation to engage in such illegal acts. As a consequence, there is absolutely no basis for concluding that Mr. Husk violated federal law by providing "help or assistance in making contributions in the name of another". One simply cannot provide such assistance absent the knowledge of such activity and Mr. Husk had unequivocally lacked knowledge that federal campaign contributions were being made in the name of another.

Thank you for the opportunity to submit a response in this matter and my client is available to provide any further information that you may request.

Cordially,

  
Michael S. Mandell